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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,698	09/25/2003	Eduard K. de Jong	SUN-P7008	9219
24209 7590 11/21/2008 GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940				
EXAMINER HOANG, DANIEL L				
ART UNIT 2436		PAPER NUMBER		
MAIL DATE 11/21/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,698

Applicant(s)

DE JONG, EDUARD K.

Examiner

DANIEL L. HOANG

Art Unit

2436

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 to 4, 8 to 10, 12, 14, 15, 19 to 21, 23, 25, 26, 30 to 32, 34, 36, 37, and 41 to 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/19/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1, 3 to 4, 8 to 10, 12, 14, 15, 19 to 21, 23, 25, 26, 30 to 32, 34, 36, 37, and 41 to 43.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see REMARKS, filed 8/21/08, with respect to the rejection(s) of claims under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Spies, US Patent No. 6055314.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 3 to 4, 8 to 9 to 10, 12, 14, 15, 19 to 20, 23, 25, 26, 30 to 32, 34, 36, 37, and 41 to 43 rejected under 35 U.S.C. 102(b) as being anticipated by Spies, US Patent No. 6055314.**

As per claim 1, 3, 12, 14, 23, 25, 34, 36, Spies teaches:

A method for enrolling for receipt of one or more obfuscated application programs, the method comprising:

issuing, from a user device to an application program provider, an enrollment request comprising a target ID, said enrollment request for receipt of one or more obfuscated application programs controlled by said application program provider, said target ID specifying said user device configured to execute said one or more obfuscated application programs for one or more services;

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[see col. 2, lines 62-67, and col. 3, lines 1-4, wherein the IC card is viewed as a "user device" and the video merchant is viewed as a "application program provider" and the video program is viewed as an "obfuscated application program"]

[see col. 3, lines 19-35, wherein the IC card's signing keys are viewed as the "Target ID"]

obtaining, on said user device from said application program provider, a secret in response to said issuing; and

see col. 2, lines 62-67, and col. 3, lines 1-4, wherein decryption capabilities are viewed as the "secret"]

associating, on said user device, said secret with said application program provider, said secret for use in executing said one or more obfuscated application programs; and

[see col. 3, lines 52-63]

receiving, from said application program provider following said obtaining, said one or more obfuscated executable application programs,

[see col. 3, lines 36-50]

wherein said user device comprises a smart-card and said smart card comprises a virtual machine and said target ID comprises a VM ID.

[see col. 2, lines 62-67, and col. 3, lines 1-4, wherein the IC card is a smart card]

As per claim 4, 15, 26, 37, Spies teaches:

The method of claim 3 wherein said determining and said transferring form part of a key exchange protocol.

[see col. 3, lines 19-35, public/private key exchange]

As per claim 8, 19, 30, 41, Spies teaches:

A method for application program obfuscation, the method comprising:

determining a current obfuscation method based at least in part on a target ID, said target ID specifying a user device configured to execute said obfuscated application program;

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[see col. 3, lines 19-35, wherein the video program is encrypted with the purchaser's public signing key.]

creating an obfuscated application program based at least in part on said current obfuscation method;

and

[see col. 3, lines 19-35, wherein the video program is encrypted with the purchaser's public signing key.]

sending said obfuscated application program to said user device.

[see col.3, lines 36-50]

wherein said user device comprises a smart-card and said smart card comprises a virtual machine and said target ID comprises a VM ID.

[see col. 2, lines 62-67, and col. 3, lines 1-4, wherein the IC card is a smart card]

As per claim 9, 20, 31, 42, Spies teaches:

The method of claim 8, further comprising receiving an application program request from said user device, said determining occurring in response to said receiving.

[see rejection of claim 1, wherein the decryption capabilities are generated after the user requests the program.]

As per claim 10, 21, 32, 43, Spies teaches:

The method of claim 8 wherein said method further comprises, after said creating, applying a cryptographic process to said obfuscated application program together with a cryptographic key to create an encrypted obfuscated application program; and said sending comprises sending said encrypted obfuscated application program.

[see col. 3, lines 52-63, wherein each packet of the program is encrypted with a packet key and also with a program key]

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Conclusion

- *. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

- *. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Daniel L. Hoang/
Examiner, Art Unit 2436

/Nasser G Moazzami/
Supervisory Patent Examiner, Art Unit 2436